



**CHESTERFIELD COUNTY
BOARD OF SUPERVISORS
AGENDA**

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Meeting Date: March 28, 2007

Item Number: 6.B.

Subject:

Work Session on Magnolia Green Development and Proposed Community Development Authority

County Administrator's Comments:

County Administrator: _____ 

Board Action Requested:

Summary of Information:

Staff will present information on the proposed Community Development Authority for lower Magnolia Green.

Preparer: Lane B. Ramsey

Title: County Administrator

Attachments:

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Yes

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No

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Meeting Date: March 28, 2007

Item Number: 8.B.12.

Subject:

Instruction to Planning Commission Regarding Upper Swift Creek Comprehensive Plan Amendments

County Administrator's Comments:

County Administrator: _____

Board Action Requested:

Direct the Planning Commission to hold a public hearing regarding the proposed amendments to the Upper Swift Creek Plan.

Summary of Information:

Pursuant to a request from Mr. Miller, the Board of Supervisors is requested to direct the Planning Commission in accordance with § 15.2-2229 of the Code of Virginia (1950) (as amended) to hold a public hearing on the proposed amendments to the Upper Swift Creek Plan and to report its recommendations to the Board no later than 60 days from the Boards' March 28, 2007 meeting.

In 2004, the Board adopted a policy of deferring new residential zoning cases in the Upper Swift Creek Plan area for the legal maximum of twelve months to allow the Planning Commission and staff to make necessary revisions to the Upper Swift Creek Plan, a component of the County's Comprehensive Plan. Meanwhile, in late 2005, the County was advised by federal regulatory agencies that they would not approve the County's proposal to use in-stream regional BMPs in the watershed to control phosphorus run-off and protect the reservoir. This resulted in further delays to the revisions of the Plan.

Preparer: Steven L. Micas

Title: County Attorney
1925(00):74737.1

Attachments:

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Yes

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No

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By memorandum of February 27, 2007, Mr. Miller requested the Planning Commission to hold a public hearing on the proposed revisions to the Plan and to forward its recommendations to the Board. At the Planning Commission's March meeting, the Commission declined to schedule a public hearing on the Plan until various water quality issues in the watershed have been resolved.

To facilitate the Board's consideration of zoning cases in the Upper Swift Creek Plan area, the Board is asked to instruct the Planning Commission to hold a public hearing on the proposed Upper Swift Creek Plan amendments and, further, to make its recommendation to the Board within 60 days. Any subsequent revisions to water quality requirements in the watershed can be incorporated into subsequent revisions of the Plan if necessary.

1925(00):74737.1



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Meeting Date: March 28, 2007

Item Number: 8.B.13.

Subject:

Instructions to Planning Commission Regarding Amending the Zoning Ordinance to Require Conditional Use for Certain Businesses that Sell Alcohol on Premises

County Administrator's Comments:

Board Action Requested:

Refer the attached proposed ordinance amendment to the Planning Commission for Public Hearing and Recommendation to the Board.

Summary of Information:

At the Board of Supervisors' public hearing regarding the zoning application of Five Forks Corporation (Case 07SN0135) on January 24, 2007, there was discussion among the Board regarding the fact that many C-3 zoning districts allow by right nightclubs, cocktail lounges and dance halls. At that time, Mr. Miller requested that the Planning Commission consider an ordinance amendment that allowed these uses by conditional use, instead of by right, and report back to the Board within 60 days.

In subsequent discussions with staff, Mr. Miller indicated that he was also interested in an ordinance amendment that would restrict the location of businesses selling alcohol for on-premises consumption within 500 feet of a school, residentially zoned property, day care center, church or other place of worship. In response to Mr. Miller's request, staff prepared the attached zoning ordinance amendment for presentation to the Planning Commission. The amendments would not affect businesses that hold a valid alcoholic beverage license from the Virginia Dept. of Alcoholic Beverage Control at the time that such uses locate near the business.

Preparer: Steven L. Micas

Title: County Attorney
74736.1 (74739.1)

Attachments:



Yes



No

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At the Commission's March 20, 2007 meeting, the Commission declined to set the proposed amendment for public hearing.

Per Mr. Miller's request, the Board is asked to refer the attached ordinance amendments to the Planning Commission with instructions for the Commission to hold a public hearing on the amendments no later than the Commission's regularly scheduled public meeting for May 2007 and to forward its recommendation to the Board by the end of May, 2007.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 19-227 RELATING TO
THE SALE OF ALCOHOLIC BEVERAGES NEW SCHOOLS,
RESIDENTIALLY ZONED PROPERTY, DAY CARE CENTERS,
CHURCHES AND OTHER PLACES OF WORSHIP

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 14-227 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 19-227. Sale of alcoholic beverages near schools.

(a) Notwithstanding any provisions in this chapter to the contrary, a conditional use permit shall be required for all commercial establishments seeking to sell alcoholic beverages, as defined in Code of Virginia, § 4.1-100, for on-premises consumption, within 500 linear feet of a school, residentially zoned property, day care center, church or other place of worship. ~~that is owned or operated by the county and that is built after December 15, 1993.~~⁺

⁺ ~~This section does not apply to the following schools: Bailey Bridge Middle, Bellwood Elementary, Bensley Elementary, Bermuda Elementary, Beulah Elementary, L.C. Bird High, Bon Air Elementary (IDC), Bon Air (Primary) Elementary, Chalkley Elementary, Chester Middle, Chesterfield Community High, Chesterfield Technical, Clover Hill Elementary, Clover Hill High, Thelma Crenshaw Elementary, Crestwood Elementary, Curtis Elementary, A.M. Davis Elementary, Dupuy Elementary (Ettrick Annex), Ecoff Elementary, Enon Elementary, Ettrick Elementary, Evergreen Elementary, Falling Creek Elementary, Falling Creek Middle, Fulghum Center, O.B. Gates Elementary, W.W. Gordon Elementary, Grange Hall Elementary, Greenfield Elementary, Harrowgate Elementary, J.G. Henning Elementary, Hopkins Elementary, Jacobs Elementary, Manchester High, Manchester Middle, Matoaca Elementary, Old Matoaca High, Matoaca Middle, Meadowbrook High, Midlothian Elementary (Swift Creek Middle Annex), Midlothian Middle, Midlothian High, Monacan High, Perrymont Middle, Providence Elementary, Providence Middle, Reams Elementary, Robious Elementary, Robious Middle, Salem Elementary, Salem Middle, Alberta Smith Elementary, Swift Creek Elementary, Swift Creek Middle, Thomas Dale High, Union Branch Elementary, Union Grove Elementary, Vehicle Maintenance (Courthouse), Vehicle Maintenance (Walmsley), J.B. Watkins Elementary, C.C. Wells Elementary, Winterpock Elementary, Woolridge Elementary.~~

(b) ~~As part of the regular review of all business license applications, the director of planning shall determine whether a commercial establishment intends to sell alcoholic beverages for on-premises consumption and whether it is located within 500 linear feet of a school built after December 15, 1993 that is owned or operated by the county. If the director of planning cannot determine whether the commercial establishment is located more than 500 linear feet from such school, the director of planning shall require, and the commercial establishment shall~~

~~provide, a certification from a registered surveyor confirming the distance from the commercial establishment to the school. If the commercial establishment fails to provide the surveyor's certification, it shall be presumed that the establishment is within 500 linear feet of the school.~~

(b) ~~(e)~~ No commercial establishment that holds a valid alcoholic beverage license from the Virginia Alcoholic Beverage Control Board at the time a school, residentially zoned property, day care center, church or other place of worship ~~that is owned or operated by the county~~ locates within 500 linear feet of the commercial establishment shall become a nonconforming use or be required to obtain a conditional use permit solely by virtue of ~~the~~ such location ~~of such school~~, so long as such license remains in force, is reissued as provided by law or, if such establishment is sold to a new owner, a valid license is issued to the new owner and such license remains in force or is reissued as provided by law.

(c) ~~(d)~~ The distances prescribed in this section shall be measured by extending a straight line from the nearest property line (not the lease line) of the establishment selling alcoholic beverages to the nearest property line of the school, residentially zoned property, day care center, church or other place of worship.

(2) *That this ordinance shall become effective immediately upon adoption.*